

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

DAVID J. YOUNG,)	Case No. 8:07-cv-00265
)	
Plaintiff,)	
)	
vs.)	
)	
JENNA R. JOHNSON,)	
)	
Defendants.)	

PLAINTIFF'S PROPOSED JURY INSTRUCTIONS

DAVID J. YOUNG, Plaintiff,

By: /s/ Thomas J. Young
Thomas J. Young #14645
2433 South 130th Circle
Omaha, NE 68144
Tel: (402) 330-3700

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2010, I electronically filed Plaintiff'S Proposed Jury Instructions with the Clerk of the United States District Court using the CM/ECF system which sent notification of such filing to the following: Douglas L. Phillips, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: None

/s/ Thomas J. Young

INSTRUCTION NO. _____

Before the plaintiff can recover against the defendant on his claim of malicious prosecution, the plaintiff must prove, by the greater weight of the evidence, each and all of the following:

1. That the defendant caused a civil or criminal proceeding to be filed against the plaintiff;
2. That the defendant did not have probable cause for causing the proceeding to be filed;
3. That the defendant was motivated by malice;
4. That the proceeding was a proximate cause of some damage to the plaintiff;
and
5. The nature and extent of that damage.

INSTRUCTION NO. _____

The defendant had probable cause if, based on what she knew or should have known at the time the criminal proceeding was filed, a reasonable person would have believed that the plaintiff had committed the crime of first degree sexual assault.

INSTRUCTION NO. _____

Malice means causing a criminal proceeding to be filed primarily for a purpose other than that of bringing an offender to justice.

INSTRUCTION NO. _____

A false imprisonment consists in the unlawful restraint against his will of an individual's personal liberty and any intentional conduct that results in the placing of a person in a position where he cannot exercise his will in going where he may lawfully go.

A private citizen who by affirmative direction, persuasion, or request procures an unlawful arrest and detention of another is liable for false imprisonment.

Huskinson v. Vanderheiden, 197 Neb. 739, 251 N.W.2d 144 (1977)

Schmidt v. Richman Gordman, Inc., 191 Neb. 345, 215 N. W. 2d 105

Cimino v. Rosen, 193 Neb. 162, 225 N. W. 2d 567

Jensen v. Barnett, 178 Neb. 429, 134 N. W. 2d 53

Holmes v. Crossroads Joint Venture, 262 Neb. 98, 629 N.W.2d 511 (2001)